

NOT FOR PUBLICATION

SEP 27 2007

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

JOHNNY ANGEL TORRES,

Plaintiff - Appellant,

v.

JERALITA P. COSTA, Chair,
Indeterminate Sentence Review Board,

Defendant - Appellee.

No. 06-35792

D.C. No. CV-06-00098-FVS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Fred L. Van Sickle, District Judge, Presiding

Submitted September 24, 2007**

Before: CANBY, TASHIMA, and RAWLINSON, Circuit Judges.

Johnny Angel Torres, a former Washington State prisoner, appeals pro se from the district court's judgment dismissing, pursuant to 28 U.S.C. §§ 1915 and 1915A, his 42 U.S.C. § 1983 action alleging that the Chair of the Indeterminate

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Sentence Review Board violated his constitutional rights by refusing to grant certain sentence credit. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Butterfield v. Bail*, 120 F.3d 1023, 1024 (9th Cir. 1997), and we affirm.

The district court properly dismissed Torres' action because Costa was absolutely immune from suit. *See Sellars v. Procnier*, 641 F.2d 1295, 1303 (9th Cir. 1981) (members of the parole board are entitled to absolute quasi-judicial immunity for performance of their duties). We reject Torres' contention that the Supreme Court's decision in *Wilkinson v. Dotson*, 544 U.S. 74 (2005) alters this analysis.

Torres' remaining contentions lack merit.

AFFIRMED.